

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

KENNETH GUNNELLS,

Plaintiff,

v.

CASE NO. 2:19-CV-781-WKW
[WO]

CENTURY ARMS; CENTURY
ARMS, INC.; CENTURY
INTERNATIONAL ARMS, INC.;
CENTURY INTERNATIONAL
ARMS OF VERMONT, INC.;
CENTURY INTERNATIONAL
ARMS CORPORATION;
CENTURY WORLD
ENTERPRISES, INC.; CENTURY
WORLD INVESTMENT
CORPORATION; CANIK, USA,
LLC; and SAMSUN DOMESTIC
AND INDUSTRY CORPORATION;

Defendants.

ORDER

This action arises from injuries Plaintiff Kenneth Gunnells suffered when his holstered Canik TP9 pistol “fell to the ground” and “improperly discharg[ed] a 9mm round upward into Mr. Gunnells’ face (left cheek) which exited through his left ear.” (Doc. # 1-1, ¶ 18 (Compl.).) Before the court is the Motion to Dismiss Plaintiff’s Complaint for Lack of Personal Jurisdiction pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure, which was filed by the following five non-resident

Defendants: (1) Century International Arms of Vermont, Inc.; (2) Century International Arms Corporation; (3) Century World Enterprises, Inc.; (4) Century World Investment Corporation; (5) and Canik USA, LLC. (Doc. # 18.) Defendants also move for dismissal of the non-entity, Century Arms. (Doc. # 18.) Although given an opportunity (Doc. # 20), Plaintiff did not file a response to the motion, notwithstanding that he bears the burden of establishing a prima facie case of personal jurisdiction over the non-resident Defendants. *See Norment Sec. Grp., Inc. v. Granger N., Inc.*, No. 2:08-CV-533-WKW, 2009 WL 458540, at *1 (M.D. Ala. Feb. 23, 2009) (setting forth the standard of review on a Rule 12(b)(2) motion).

Based upon careful consideration and for the reasons articulated in Defendants' motion, it is ORDERED that Defendants' motion to dismiss (Doc. # 18) is GRANTED. Accordingly, Plaintiff's action against Century International Arms of Vermont, Inc., Century International Arms Corporation, Century World Enterprises, Inc., Century World Investment Corporation, Canik USA, LLC, and Century Arms is DISMISSED.

Furthermore, Plaintiff did not file a response to the Order directing that he demonstrate the measures he has taken to serve Samsun Domestic Defense and Industry Corporation ("Samsun"), a foreign corporation. (Doc. # 20.) Because Plaintiff has not shown due diligence in his attempts to serve Samsun (*see* Doc. # 20,

at 2–3), it is ORDERED that Plaintiff’s action against Samsun Domestic Defense and Industry Corporation is DISMISSED.

This action proceeds against the remaining two Defendants: Century Arms, Inc.; and Century International Arms, Inc.

DONE this 4th day of November, 2020.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE